

**Attachment to Pre-Appeal Brief Request for Review
Reason(s) for Requesting Review**

Independent claims 548 calls for a construction as essentially shown in FIGURE A below. More specifically, it includes a facestock sheet having cut lines therein, an adhesive layer adhering an internally positioned film layer to the face stock sheet and a continuous sheet disposed “directly adjacent” to the film layer.

facestock sheet
adhesive
film layer
continuous sheet

Figure A

Independent claims 590, 629 and 664 call for a construction as essentially shown in FIGURE B below. More specifically, it includes a facestock sheet having cut lines therein, an internally positioned film layer and a continuous sheet. Notably, claim 590 further recites that the construction is “free of adhesive” between the film layer and the continuous sheet, and claim 629 further recites that the film layer is “directly adjacent” to the continuous sheet. Claim 664 expressly recites that the continuous sheet is “bonded to the film layer without adhesive.”

facestock sheet
film layer
continuous sheet

Figure B

Conversely, McKillip (U.S. Patent No. 5,462,488) teaches a construction as essentially shown in FIGURE C below.

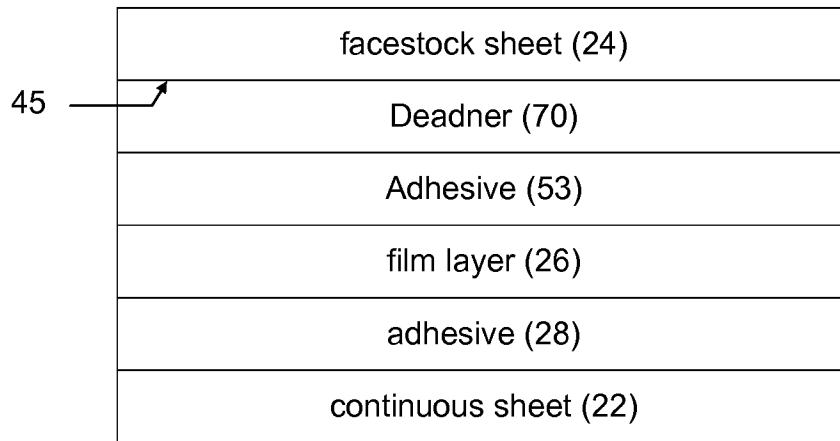


Figure C

Contrary to the Examiner's allegation, as clearly shown in FIGURE C above, the adhesive layer 28 resides between the continuous sheet 22 and the film layer 22. Accordingly, the continuous sheet 22 and film layer 26 are not directly adjacent one another, nor is the interface adhesive free, nor is the continuous sheet 22 bonded to the film layer 26 without adhesive, as expressly recited in the respective claims.

Importantly, McKillip in the first and second full paragraphs of column 9 discusses the application of a deadner 70 to the bottom surface 45 of the second layer of material 24 prior to the attachment of the laminate means 26. See in particular FIGS. 8 and 9. Also at column 4, line 11, it states that the label converting includes "the step of applying an adhesive deadner to at least a portion of the bottom surface of the second layer of material." As per the Examiner's interpretation, the second layer of material 24 corresponds to the claimed facestock sheet and the laminate means 26 corresponds to the claimed film layer (see the paragraph following paragraph 14 on page 6 of the Office Action dated 10/09/2007). Accordingly, the deadener 70 is not between the film layer and the continuous sheet. Rather, the deadener is between the facestock sheet and the adhesive 53 (which is not shown in FIG. 6 but rather is shown in FIGS. 1 and 3 and described in column 7, lines 31-34). In other words, the

deadner 70 is not provided to deaden portions of the adhesive 28 but rather the adhesive 53.

The foregoing is further confirmed when reference is had to FIG. 7 of McKillip. As is clearly illustrated, when the card member 46 is peeled or otherwise removed from the construction 20, its bottom surface of the card member 46 is surface 45 (i.e., the bottom surface of the second layer 24) as clearly indicated by the reference numeral, and the layer 26 (also clearly indicated by the reference numeral) remains intact with the rest of the construction 20. Accordingly, delamination occurs at the interface between the second layer 24 (equated with the claimed cardstock sheet by the Examiner) and the lamination means 26 (equated with the claimed film layer by the Examiner). Clearly, this is because the deadner 70 is positioned between the second layer 24 and the lamination means 26. The deadner 70 is not located between the lamination means 26 and the adhesive layer 28. Otherwise, presumably, delamination would have occurred at that interface and the lamination means 26 would have lifted off with the card member 46 instead of remaining intact with the rest of the construction 20.

Furthermore, even if for the sake of argument the deadner were positioned as alleged by the Examiner, it would not remove the adhesive layer 28. That is, McKillip would still not be free of adhesive between the film layer 26 and the continuous sheet 22 nor would it make the continuous sheet 22 and the film layer 26 directly adjacent to one another. Importantly, while the addition of a deadner may arguable reduce the tackiness or otherwise limit the adhesion of the adhesive layer 28, it would not remove or eliminate the adhesive layer 28 altogether. That is to say, there would still be an adhesive between the continuous sheet and the film layer (i.e., the interface would not be adhesive free) and the presence of the adhesive layer 28 would mean that the continuous sheet 22 was not directly adjacent to the film layer 26.

Additionally referring to FIGURE C above, the deadner 70 does not make the McKillip construction free of adhesive between second layer 24 and laminate

means 26 for a number of reasons. First, the deadner 70 does not make the adhesive 53 disappear, e.g., it does not dissolve it. Second, it does not necessarily change it into a non-adhesive material of some sort, rather it merely limits or reduces its tackiness or degree of adhesion. Third, the deadner 70 does not cover the entire bottom surface 45 of the second layer 24 but only a portion thereof. See FIG. 9. Accordingly, there is at least some adhesive remaining between the layers. Of course, these arguments would likewise apply wherever the deadner was positioned.

To be clear, please note also that neither the second layer 24 nor the lamination means 26 nor any layer therebetween and be fairly construed as the claimed continuous sheet inasmuch as cut lines 50 extend therethrough. See, e.g., FIG. 6. Additionally, the first layer 22 cannot be fairly construed as the claimed facestock sheet inasmuch as it does not have the claimed cut lines formed therein.

Independent claim 695 also calls for a construction as essentially shown in FIGURE B above. More specifically, it includes a facestock sheet having cut lines therein, an internally positioned film layer and a continuous sheet. Notably, claim 695 also recites that the construction is "adapted to delaminate at an interface of the film layer and the continuous sheet." McKillip again fails to disclose this limitation. Rather, as pointed out above, McKillip teach delamination at the interface between the facestock sheet (i.e., the second layer 24) and the film layer (i.e., the lamination means 26). See in particular FIG. 7.

Significantly, it is to be noted that Popat, et al. (U.S. Patent No. 5,407,718) resolves none of the deficiencies noted above nor does the Examiner allege otherwise.

In conclusion, for at least the reasons set forth herein, it is respectfully submitted that independent claims 548, 590, 629, 664 and 695 distinguish patentably over the prior art, along with any and all claims depending therefrom.

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Date

Respectfully submitted,

/John P. Cornely/

John P. Cornely (Reg. No. 41,687)

Patent Counsel

Avery Dennison Corporation

8080 Norton Parkway, Bldg. 22-D

Mentor, OH 44060

Telephone: (440) 534-4920

Fax: (440) 534-4773

E-mail: john.cornely@averydennison.com